

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

|  |   |                                      |
|--|---|--------------------------------------|
| <b>DONALD EUGENE GARDNER, III,</b>       | ) |                                      |
|  | ) |                                      |
| <b>Plaintiff,</b>                        | ) |                                      |
|  | ) |                                      |
| <b>vs.</b>                               | ) | <b>CIVIL ACTION NO. 12-0281-CG-C</b> |
|  | ) |                                      |
| <b>COUNTY OF BALDWIN, <u>et al.</u>,</b> | ) |                                      |
|  | ) |                                      |
| <b>Defendants.</b>                       | ) |                                      |

**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is therefore **ORDERED** that defendants' motion for summary judgment (Docs. 32, 34, 35, 39, 40, 48) be **GRANTED, in part**, and **DENIED, in part**, to the extent that plaintiff's claims for compensatory and punitive damages be **DISMISSED** without prejudice pursuant to 42 U.S.C. § 1997e(e), the claim for injunctive relief be dismissed as **MOOT**, and the claims against defendant Baldwin County be **DISMISSED** with prejudice as frivolous, and that defendants' affirmative defense of failure to exhaust administrative remedies be **DENIED**. It is further **ORDERED** that this action proceed with respect to plaintiff's claims for nominal damages.

**DONE and ORDERED** this 15th day of January, 2014.

/s/ Callie V. S. Granade  
UNITED STATES DISTRICT JUDGE